

Item H-1: Regulation 17-08 Written Warning Notices to Cease

Regular Meeting of the Richmond Rent Board | October 18, 2017

Written Warning Notice Regulation: Statement of the Issue

- The Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance establishes Just Cause for Eviction requirements.
- Breach of lease or creating a nuisance are “just causes” to evict.
- A regulation is necessary to clarify when Written Warning Notices to cease are required prior to terminating a tenancy due to a tenant’s breach of lease or creating a nuisance.

Written Warning Notice Regulation: General Rule

- **First violation—written warning notice to cease**
- **Second incidence of the same violation within 12 months—no further notice and landlord may evict**
- **If within 24 months, tenant commits two different violations (the first of which generated a notice to cease), no further written warning notice is necessary and landlord may proceed with termination.**

Written
Warning
Notice
Regulation:
Exception for
Criminal
Activity

- No written notice to cease is required for certain criminal activity, including drug related criminal activity
- This exception applies to the tenant, a member of tenant's household, a guest or another person under the control of the tenant
- Includes criminal street gang activity, assault and battery, sexual offenses, behavior that involves the imminent or actual threat to landlord or other tenants
- Includes illegal sale, distribution or possession of a "controlled substance" (excluding marijuana)

Written Warning Notice Regulation: Creating a Nuisance

- **Nuisance is defined as conduct that substantially interferes with the use and enjoyment of neighboring properties**
- **Landlord shall follow same rules as with breach of lease as to providing a Written Warning Notice to Cease to the Tenant**

Written
Warning
Notice
Regulation:
Subleasing
Provisions

- **Subleasing may not be considered a breach of the lease if a tenant is replaced one for one; landlord must be notified and have time to object the subtenant based on objective criteria (not including lack of credit worthiness).**

Written Warning Notice Regulation: Filing Notice with the Board

- **If an eviction or termination of tenancy is based on breach of lease, creating a nuisance or tenant's failing to give access, landlord must file with the Board the notice of termination and written notice to cease, if applicable, within two business days after service (in accordance with Regulation 17-10).**

Written Warning
Notice
Regulation:
**Recommended
Action**

- **ADOPT Regulation 17-08, regarding Written Warning Notices to Cease before Terminating Tenancies due to a Breach of Lease or Creating Nuisance.**